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ABSTRACT

Prepared by the Arizona Indian Education Association, this publication constitutes Arizona's 1976-77 Johnson-O'Malley State Educational Plan as stipulated by Public Law 93-638 (Indian Self Determination and Education Assistance Act) and Arizona Revised Statutes 15-1161. Indicating the corresponding regulation number in the margin, this publication is presented in outline form as follows: (I) Narrative; (II) Philosophy and Purpose; (III) Goals; (IV) Policies; (V) Parental Participation; (VI) Programs and Services (Supplemental, Operational Support, and Special Services); (VII) Administration and Management; (VIII) General Provisions; (IX) Arizona Indian Education Association; (X) Definitions; (XI) Appendices (Constitution and Bylaws of the Arizona Indian Education Association State of Arizona). Developed in joint sessions via hearings and individual, tribal, and parental input, the Plan is designed for compliance with applicable Federal, state, and local laws to assure greater uniformity and cooperation among all school districts of the State of Arizona, the Arizona State Board of Education, Bureau of Indian Affairs, and each Indian tribe and Indian Education Committee within the State of Arizona. To the extent practical, the Plan is to be utilized to supplement educational programs for eligible Indian children and, where approved, for Indian Youth being served by other Indian educational programs or programs created for the benefit of Indian youth. (JC)

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ED137022

1976–1977

ARIZONA

Johnson–O'Malley State Educational Plan

Pursuant to P.L. 93–638
and
ARS 15–1161

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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[1976]

RC009780

PREFACE

The Arizona Department of Education, Division of Indian Education, in recognition of the responsibilities to serve all Indian youth in pursuit of educational and personal awareness has had the privilege of assisting in the development of the 1976–1977 Arizona Johnson–O'Malley State Educational Plan.

The recognition of this effort extends to many outstanding and gifted individuals serving in all capacities of life for and on behalf of their children. The need was established, and our purpose and task is to serve our youth with all the resources and energies available through the present and future Indian leaderships.

The success of each program hereafter can be assured by the sound and dedicated instruction of parents built upon the traditions and sovereignities of our Indian ancestry.

We are in extreme appreciation of the meaningful guidance and foresight shared with the staff of the Division of Indian Education by the Arizona Tribal Leadership; the Arizona Indian Education Association; the Arizona State Board of Education; the Phoenix Area Office – Bureau of Indian Affairs; Mrs. Carolyn Warner, Superintendent of Public Instruction; the Indian Education Committees; and above all, our Indian youth.

I am proud and honored to extend a special appreciation to the Division of Indian Education staff – Gay Lawrence, Lorene McIntyre, Lucy Pete, and Connie Gutierrez – for adding their talents and sincerity in creating an opportunity for excellence. I have been indeed fortunate to have had the opportunity to serve and share with so many wonderful people the intents of the following Plan. Thank you one and all!

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"A prospective contractor in consultation with its Indian Education Committee(s) shall formulate an educational plan and submit it to the appropriate Area Director as a part of the application to contract required by section 273.20."

25 CFR Part 273.14

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1976–1977

ARIZONA JOHNSON–O'MALLEY STATE EDUCATIONAL PLAN

I. NARRATIVE

It is the intent of the Arizona Department of Education and the Arizona Indian Education Association in the development of the 1976–1977 Arizona Johnson–O'Malley State Educational Plan to provide guidance and opportunities for Indian communities and public school districts in assessing local needs for the benefit of Indian youth.

25 USC 455
ARS 15–1161
§ 273.13
§ 273.14

The 1976-1977 Arizona Johnson–O'Malley State Educational Plan prescribes flexibility for local Indian Education Committees to determine what programs can best meet the special, academic, and cultural needs of their children. This flexibility is essential to the comprehensive scope and statewide service area to be addressed by the Plan. It is fully required that each program/project developed under this Plan shall provide for the maximum participation of the community and youth to be served. Said participation shall be accomplished through the appropriate Indian Education Committee, Indian communities, and the local educational agency.

§ 273.20

In support of the above, the Arizona State Board of Education, Mrs. Carolyn Warner, Superintendent of Public Instruction, and the Arizona Indian Education Association, have directed the Division of Indian Education to provide the necessary services and assistance for all programs and Indian youth. The Association has further required the initiation of planning toward future support of the Division by the State of Arizona. The implementation and evaluation of all programs under this plan will be made by the local Indian Education Committees, the Arizona Indian Education Association, and the Division of Indian Education.

ARS 15–102

In general, the Johnson–O'Malley Program in the State of Arizona has experienced significant changes since 1939 and more so within the last three years. The present service area extends to all public schools and communities within the State of Arizona where Indian youth are being educationally served. By utilizing applicable state laws, the Department of Education also provides funding and assistance to Indian tribes and organizations to establish an invaluable means of cooperation for their Indian youth.

It shall be understood, that the 1976-1977 Arizona Johnson–O'Malley State Educational Plan is intended to benefit all Indian children, and that the inherent concept of Indian Self–Determination will be respected and assured in developing the

§ 273.4

local Indian Education Committees toward the implementation of that concept. Said assurances on the intent of the Educational Plan to provide applicable assistance to parents or students being served meets the mandate of the Arizona Indian Education Association to "promote the development of quality education for all Indian children, education which fosters individual achievement and academic excellence, and insures equality of treatment and services for all Indian children."

To the extent practical or feasible, the Educational Plan and provisions thereof shall be utilized to supplement educational programs for eligible Indian children and where approved by the Indian Education Committees for Indian Youth being served by other Indian Educational Programs or programs created for the benefit of Indian youth. The rights and responsibilities of all parties affected by such programs shall be observed and respected in the development, implementation, and final disposition of all goals and objectives created under this Plan.

The following 1976-1977 Arizona Johnson–O'Malley State Educational Plan developed in joint sessions of the signed parties, through hearings and individual, tribal, and parental input was designed for compliance with applicable federal, state, and local laws to assure greater uniformity and cooperation among all school districts of the State of Arizona, the Arizona State Board of Education, Bureau of Indian Affairs, and each Indian tribe and Indian Education Committee within the State of Arizona. § 273.1

II. PHILOSOPHY AND PURPOSE

A. The philosophy of Indian Education in the State of Arizona for the intent and purposes of the 1976-1977 Arizona Johnson–O'Malley State Educational Plan and such other programs or services created for the benefit of Indian children shall be the assurance of quantity and quality educational opportunities of all Indian children and to maintain the cultural integrity of Indian tribes through the maximization of parental, tribal, and teacher involvement in the development of said opportunities for Indian youth.

25 USC 455
ARS 15–102
§ 273.4

B. To provide a comprehensive educational plan for the 1976-1977 school year to assure programmatic and fiscal accountability in (1) supplemental programs and special services, (2) parental participation, (3) operational expenditures, and (4) administrative management to meet the specialized and unique educational needs of Indian youth.

§ 273.13
§ 273.18

C. To prescribe the procedures by which contract funds may be programmed to eligible public school districts participating in the Johnson–O'Malley Program and educating eligible Indian children, or, to one or more Arizona Indian tribes under the provisions of the Intergovernmental Agreement, or Indian corporations pursuant to P.L. 93–638.

ARS 15–1161

D. To provide and foster the intent of the Congress of the United States pursuant to the Indian Self–Determination and Education Assistance Act of 1975, P.L. 93–638:

25 USC 450 a
Sec. 3(c)
ARIZ. XI, 1

> "The Congress declares that a major national goal of the United States is to provide the quantity and quality of educational services and opportunities which will permit Indian children to complete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being."

E. To provide educational benefits for Indian youth in support of the state educational requirements, or such other educational programs and services required by federal or state laws, and to provide training and employment opportunities for Indian youth and the affected Indian communities.

ARIZ. XI, 1
ARS 15–102
ARS 15–1141
§ 273.17
§ 273.18

III. GOALS

A. To increase academic and cultural knowledge of Indian youth through the development of supplementary programs based upon local assessments and goals. — ARS 15–102, ARS 15–111, ARS 15–1141, § 273.18

B. To reduce the percentum of Indian youth dropouts from public schools through the specialized programs created under this Plan. — ADE 146–005/28

C. To increase student self-awareness in educational programs and services available or planned through special interest projects created under this Plan.

D. To increase parental participation within the local education agency through the programs created under this Plan and such other services made available in the Arizona Department of Education.

E. To provide technical assistance and training to local Indian Education Committees, tribes, school districts, and communities on P.L. 93–638, the Indian Self–Determination and Education Assistance Act, Title II (Johnson–O'Malley), applicable laws and regulations, and other educational programs or services benefiting Indian youth through the Department of Education and the Arizona Indian Education Association.

IV. POLICIES

A. The provisions of the 1976–1977 Arizona Johnson–O'Malley State Educational Plan shall be executed in accordance with (1) state laws applicable to the education of all children, (2) secretarial policies, and (3) bona fide contracts pursuant to P.L. 93–638. The distribution of contract funds will be made in support of the programs and services of this Plan to eligible applicants pursuant to 25 CFR 273.11 and ARS 11–951.

ARS 15–1161
ARS 15–1141

B. All commitments and distributions of contract funds under this Plan are subject to funds being made available to the Bureau of Indian Affairs and shall be expended for the benefit of eligible Indian children as approved on a project basis with separate fiscal accountability. It shall be required that the approved expenditures of the Indian Education Committees in the performance of their duties under this Plan shall be for the benefit of eligible Indian children.

§ 273.16
§ 273.17
§ 273.18
ARS 15–1141
ARS 15–1161
ARS 15–1231

C. Appropriations authorized under Johnson–O'Malley Act of 1934, as amended, shall supplement, not supplant, state and local funds; use of said funds shall not result in a decrease of state, local, or federal funds, and that such other sources must be used to provide comparable services to non-Indian and Indian students prior to the use of Johnson–O'Malley funds; in no instance shall these funds be used as payment for capital outlay or debt retirement expenses (except where such capital costs are allowable for such equipment necessary for implementation of the project and/or approved by the Phoenix Area Office, contracting office, or its authorized representative).

§ 273.34
§ 273.41

D. All applicants shall submit an application or resolution to participate in the Johnson–O'Malley Program as provided by this Plan and subject to available funds for supplementary or operational programs.

ARS 15–1161
§ 273.20

E. Each applicant shall prepare, maintain, and certify the eligible Indian student enrollment to be served. A copy of such certification, together with the names, tribal affiliation, age, and grade level of the individual students shall be maintained at the local district or tribal office. A letter of certification of the total eligible Indian enrollment at the close of the second school month shall be submitted to the Division of Indian Education.

§ 273.12
§ 273.18
§ 273.20

Awards will be based on the estimated eligible Indian student enrollment to be served and may be subject to such provisions for adjustment of funds to the actual

number of children being served in the last quarter of the school year as determined by the Division of Indian Education.

F. In the absence of federal regulations, the State Board of Education shall determine the purpose and methods of expenditure and shall be the chief educational authority for the administration and supervision of the expenditure of federal appropriations. — ARS 15–1141, ARS 15–1142

G. This Plan may be amended by the mutual consent and approval of the signed parties as a result of changes in either state or federal law or regulations applicable to P.L. 73–167 and financial aid for public instruction. Any program or project under this Plan may be revised or amended as deemed necessary to carry out the purposes of the program or project. However, no program approved by the Indian Education Committee shall be altered from the time of its original approval to the end of the contract period without the written approval of the Committee. — ARS 15–1142, § 273.17

H. Arizona Indian tribes and Indian corporations within the administrative jurisdiction of the Phoenix Area Office, Bureau of Indian Affairs, may participate and receive assistance or services under the provisions of this Plan pursuant to the Intergovernmental Agreement for educational purposes consistent with requirements of CFR Part 273 and 41 CFR Part 1. — ARS 11–952

I. All supplementary programs or projects and applicable sub-contracts or Intergovernmental Agreements shall provide an opportunity and consideration for the employment and training of members of the affected Indian community. This provision may be waived by the local Indian Education Committee, provided that all programs or projects authorized under this Plan shall utilize the best available talents and resources from the Indian communities; said waiver shall be recorded in the official minutes of the affected committee(s). — 25 USC 452, § 273.16, § 237.45

J. Budgets for operational and supplementary programs/projects may be adjusted within the contract period to an amount which will be not more than 10 percent of an increase or decrease within a line item. Adjustments in excess of 10 percent shall be first approved by the Indian Education Committee and the Division of Indian Education. — ARS 15–1161, § 273.16, § 273.18

K. Unused funds for operational or supplemental programs/projects may be carried forward to the succeeding fiscal year's program, or as a credit to the — 25 USC 13, ARS 15–1141, § 273.18

subsequent year's program as approved by the Division of Indian Education and upon the written request of the Indian Education Committee; however, all funds not expended, obligated, or used for the purposes of this Plan, or, unlawfully expended shall be returned to the Division of Indian Education.

V. PARENTAL PARTICIPATION

A. All supplementary programs shall require the establishment of a local Indian Education Committee composed of parents of Indian children being served, where applicable, Indian high school students, and exercise all authorities granted thereto by the Indian Self–Determination and Education Assistance Act P.L. 93–638. Said Committee shall be nominated or selected, and served by procedures determined by the Indian community affected or as delineated in the constitution and bylaws of each committee. All proposals shall require the maximum and continuing parental participation in the planning, development, approval or disapproval, and implementation of all programs established under this Plan. All amendments to programs pursuant to this Plan shall require the prior approval of the appropriate Indian Education Committee. — 25 USC 456 § 273.15

B. Where a local school board is *NOT COMPOSED* of a majority of Indian people, the parents of Indian children enrolled shall establish a local Indian Education Committee from their members and shall have such authorities granted thereto by 25 CFR Part 273.16 and in further compliance with such federal, state, and local laws or regulations applicable to federal assistance for educational purposes. — 25 USC 456

C. Whenever a local Indian Committee or Committees established pursuant to Section 305 of the Act of June 23, 1972 (Title IV P.L. 92–318) or an Indian Advisory School Board(s) established pursuant to P.L. 93–638, January 4, 1975, exists in such school district, or Indian community, such committee or board may, in the discretion of the affected district or tribal governing body or bodies, be utilized as the Indian Education Committee. — 25 USC 456

D. For purposes of this Plan, where the elected public school boards of trustees are composed of a *MAJORITY* of Indian people, said board may serve as the local Indian Education Committee, provided that such shall not limit the continuing participation of parents of Indian children being served and members of the Indian Committee affected. In such instances, the elected public school board of trustees shall establish a subcommittee for supplementary programs to be composed of parents of children being served, and exercise such duties and functions consistent with the recipient agency. — ARS 15–1142 ARS 15–1161

E. Where funds are distributed in an Arizona Indian Tribe pursuant to an Intergovernmental Agreement, or, to an — 25 USC 458 ARS 11–952

Indian corporation pursuant to this Plan, the establishment of an Indian Education Committee shall be required and consistent with such administrative/fiscal policies and procedures determined by the tribal governing body or bodies. § 273.36

F. Whenever an Indian Education Committee, established under the provisions of this Plan is confronted by an impasse on program negotiation or implementation or is constrained in the exercise of its duties, the Division of Indian Education and the duly authorized representative of the Secretary of Interior may be requested to mediate such proceedings and shall offer recommendations in the best interest of the students being served. § 273.18

G. The Indian Education Committee(s) may recommend to the Commissioner of Indian Affairs and/or the State Board of Education through the appropriate Bureau contracting officer's representative cancellation or suspension of a contract(s) or project(s) which contains the program(s) approved by the Indian Education Committee if the applicant fails to permit such Committee to exercise its powers and duties as specified by 25 CFR Part 273.16. Where funds are distributed to Arizona Indian tribes or Indian corporations pursuant to this Plan, such recommendations may be made through appropriate governing body or bodies. § 273.16

H. Each Indian Education Committee established under this Plan may establish an executive panel from it's members, as needed, to hear grievances, comments, recommendations, or such other presentations in relationship to the program or services created under this Plan, or as delineated in each committee's constitution and bylaws for such purposes. Said panel may conduct its hearings in executive sessions, provided, that adequate advance notice is presented to the affected parties. § 273.15
§ 273.16
§ 273.18

I. Indian Education Committees shall establish criteria and procedures for interviewing applicants for any position created under the provisions of this Plan, provided, that any recommendations for employment shall be consistent with the recipient agency (applicant) and that the basis of qualifications for any position should be established in the position description pursuant to the degree of professional requirement and program need. The affected public school board of trustees or governing bodies shall not delegate away their authority as the prime applicant in receipt and fiscal disposition of federal appropriations for educational purposes. § 273.16

J. All school districts receiving funds under this Plan may provide members of the Indian Education Committee access to non-confidential records concerning students served by the Johnson–O'Malley program, provided, that written approvals shall be given by the parents or guardians of students being served in compliance with the Freedom of Information, Invasion of Personal Privacy Acts, and Protection of the Rights and Privacy of Parents and Students (5 USC 552 P.L. 93–502, 88 STAT. 1561; P.L. 93–380, 88 STAT. 574).

ARS 15–151
§ 273.49
§ 273.54

VI. PROGRAMS AND SERVICES

A. SUPPLEMENTAL

1. Supplementary programs or projects are those which shall be designed to meet the special and unique educational needs of eligible Indian children, from 3 years old through grades 12, and to create and enhance educational opportunities as provided by this Plan in compliance with applicable federal, state, and local laws and regulations, or, such other programs or projects designed to increase proficiency in an educational standard or requirement. Funds for supplemental programs shall be expended by line item for lawful purposes authorized by the Indian Education Committee(s) and may be used to supplement other educational programs, provided, that such shall neither supplant nor be used proportionally unless approved by the Division of Indian Education upon the written request of the Indian Education Committee. — § 273.1, § 273.2(t)

2. Supplementary funds may be awarded to an eligible applicant in the following manner, further subject to available funds: — § 273.31

   i. based entirely on the approved supplemental program or project submitted by an applicant and designed to meet the special needs of all or a portion of the eligible Indian student enrollment; or, — ARS 15–1142

   ii. per capita payments based on the state average per pupil expenditure factor times the number of eligible Indian students enrolled at the close of the second school month when sufficient funds are allocated to the Area Office (BIA); or,

   iii. per capita payments based on the product obtained from the division of the total available funds by the number of eligible Indian students enrolled at the close of the second school month times the factor for elementary and high school students or such other factors as are mutually determined by the signing parties. — § 273.31

3. To receive fundings, a supplementary program or project proposal shall establish the following: — § 273.18

   a. Eligible Indian Students
   b. Indian Education Committee (assurances)

c. Budget (line items)
d. Needs Assessment
e. Goals
f. Objectives
g. Activities
h. Evaluation
i. Monitoring System
j. Calendar of Events
k. Dissemination
l. IEC Constitution and Bylaws

4. Supplementary program/project expenditures may include the following: (a) personal salaries, fringe benefits, bus drivers, and specialists; (b) transportation (field trips) for out of classroom activities for cultural enrichment or special events; (c) Indian cultural or heritage studies; (d) Indian Education Committee expenses in performance of duties; (e) conference, workshop, and seminar fees incurred by Indian students, the Indian Education Committee, or program personnel; (f) special services or equipment for physically handicapped and mentally retarded children; (g) text or reference books necessitated by the programs or projects; (h) training costs by the Indian Education Committee or program personnel; (i) consultant fees necessitated by the program or project which benefits shall result in proficiency or effectiveness of goals and objectives; (j) equipment and supplies directly related to the program or project to benefit eligible Indian students being served; i.e., band instruments, arts and crafts items, etc; (k) summer school or special interest summer programs (educationally measurable) or summer work/study programs; (l) rental or lease of equipment necessary to implement project; (m) parental costs.

§ 273.16
§ 273.17
§ 273.18
§ 273.34
§ 273.37
§ 273.38

5. Parental costs shall be expenditures for emergency and/or unusual circumstances to benefit all or a portion of the eligible Indian students as approved by the local Indian Education Committee pursuant to such criterion developed for this purpose and applied uniformly in support of supplementary programs/projects which may include the following; however, G.E.D. or livestock expenditures are prohibited:

§ 273.2(t)
§ 273.16
§ 273.34

a. Activity and Other Related Fees

b. High School Text Books

c. Special School Supplies (home economics, industrial arts, agriculture, lab, etc.)

d. Physical Education (uniforms and shoes)

e. Individual Athletic Equipment — § 273.34

f. Personal Clothing

g. Yearbooks

h. Graduation Expenditures

i. Student Travel

j. School Lunches (emergency situations only)

k. Other individual emergency needs which shall enable the student to continue class attendance (to be approved by the Division of Indian Education).

6. Program expenditures may supplement the instructional and supportive services identified under the provisions of the Indian Education Act of 1972 (Title IV, P.L. 92–318), provided, that such expenditures will not supplant any funds under such Act, and that such programs are in addition to or complementary to the basic educational programs offered by the affected school district or Indian tribe(s). — 25 USC 458e

7. Supplemental programs may be operated on premises within or without the school district boundaries, or at such other facilities maintained by a tribal government, Indian corporation, or the Bureau of Indian Affairs adequately facilitated to accomodate said programs, provided, that when supplementary programs designed to extend the classroom participation of eligible Indian students beyond the school premises and during normal school hours the State compulsory school attendance laws shall govern. — § 273.37

B. OPERATIONAL SUPPORT PROGRAMS

1. NARRATIVE – To maintain the shared responsibility of state and federal obligations to provide for Indian education through the applicable public school systems of the State of Arizona where such are located principally on an Indian reservation, the Arizona State Board of Education, pursuant to provisions of state law, shall receive such federal appropriations designed for operational expenditures in support of all educational requirements pursuant to Article XI, Section 1 of the Arizona State Constitution, Arizona Revised Statutes, Title 15 – Education, and Administrative Rules and Regulations, Title VII, Chapter 2 – Education (Arizona State Board of Education Policies).

2. Programmatic expenditures made in support of operational costs incurred by eligible and participating public school districts educating eligible Indian children to meet educational requirements established in ARS Title 15 – Education and Policies of the State Board of Education.

25 USC 452–456
ARS 15–1161
§ 273.1
§ 273.2(1)
§ 273.13
§ 273.33

3. Contract funds for operational expenditures shall be based on adopted school district budgets, or an authorized State budget format request for financial aid with written justifications in support of the educational programs and services of the eligible public school district. All fiscal procedures/expenditures for this purpose shall be executed pursuant to ARS 15–1161 and Uniform System of Financial Records/chart of accounts – Fund Code 010 and 492.

ARS 15–102
ARS 15–1201
ARS 15–1202

4. To be eligible for operational expenditure funding or consideration a school district must establish all of the following:

   a. That there exists at least 70 percent or more of eligible Indian children within the school district or within any particular school served.

   b. All other sources of financial aid or revenues to which the district is entitled are utilized, including all forms of state aid, P.L. 81–874 funds, balances forward, and funds raised from a local tax levy based on the qualifying Johnson–O'Malley rate established by the Arizona Department of Education.

ADE 41–110
ARS 15–1201
ADE 15–1202
USFR/II–F–1–3
USFR/II-G–1&2

c. That the district has made a reasonable tax effort with a mill levy in support of education programs at least equal to the state average, being the rate not less than the average levied by all similar districts in the state during the previous year, excluding special levies and bonded indebtedness. For the 1976–1977 school year the JOM qualifying tax rate will be $3.16 for elementary school districts and $2.72 for high school districts. The average tax rate is to be developed separately for elementary districts and high school districts which will be a simple average tax rate as used in the annual report of the Department of Public Instruction. Whenever applicable, a unified school district may use the unified rate.

ARS 15–445
ADE 41–110

d. That the district cannot satisfy the minimum state standards or requirements in the absence of such funds:

ARS 15–1021–1025
ARS 15–1602
SBE/II/1–6

"Rule of the State Board – Educational Requirements":

i. The State Board of Education, in order to comply with A.R.S. 15–102.16 & 17, hereby prescribes the subjects to be taught and optional subjects to be taught. The subjects of world history, geography, Arizona history and constitution, American history and civics (U.S. Constitution) may be combined into social studies and the subjects reading (including phonics), spelling, handwriting and language may be combined into language arts provided that the minimum course content of each subject is included in the single instructional program adopted. If the textbook or instructional program adopted is one which does not include one of the required subject areas, a separate textbook or program shall be adopted for that specific subject area.

SUBJECTS TO BE TAUGHT	*YEARS TAUGHT*
Arithmetic	1–8
*Geography	1–8
*World History	1–8
*/** Ariz. History & Constitution	7–8
*/** American History	7–8

SUBJECTS TO BE TAUGHT	*YEARS TAUGHT*
*/** Civics (U.S. Constitution)	7–8
*** Handwriting	1–8
*** Language	1–8
*** Reading (including phonics)	K-8
*** Spelling	1–8
Literature	6–8
Health	1–8
Science	1–8
Music	1–8

*These subjects may be combined into Social Studies.

**These subjects are required by A.R.S. 15–1021 to be taught at least one year in the grammar school.

***These subjects may be combined into Language Arts.

OPTIONAL SUBJECTS

Manual Training (statutory)
Household Economics (statutory)
Arts and Crafts
Band
Chorus
Foreign Language
Journalism
Physical Education
Typing

ii. The State Board of Education requires that each common school district having a kindergarten program include three subjects out of the prescribed list of subjects to be taught for common schools and that reading including phonics be one of the three required. The kindergarten program shall be addressed to readiness for all subjects taught in the primary grades.

iii. The State Board of Education, pursuant to A.R.S. 15–1021, has adopted as a major goal that every student in Arizona shall have the equal opportunity to understand the essentials, sources, and history of the U.S. and Arizona Constitutions and to understand the principles and ideals of our American Institutions.

The State Board, therefore, requires that each common school district determine that the pupils in their districts are knowledgeable in this subject, as shown by a district developed method, prior to receiving a certificate of promotion from eighth grade.

iv. The State Board of Education has adopted the goal that every student shall have the equal opportunity to learn to read and write effectively and to master the basic computational skills.

The state Board believes that developing standards for these basic skills is prerequisite and essential to the learning process of the student. Therefore the State Board requires that promotion from year to year shall be based upon predetermined standards for these basic skills as established by the local district.

The State Board further requires that each student shall attain at least a sixth grade competency in reading, computational and written communicative skills, as determined by the local district, prior to receiving the standard eighth grade certificate of promotion. This policy becomes effective January 1, 1976.

The State Board further requires that each student shall demonstrate ability to read at a ninth grade level of proficiency as shall be established by the local district, prior to graduation from high school. This policy becomes effective for classes after January 1, 1976.

v. The State Board of Education realizes that because of physical and/or mental deficiency not every student in Arizona will be able to attain an eighth grade competency prior to completion of common school, therefore the State Board of Education, pursuant to A.R.S. 15–546 A. prescribes the following types of eighth grade certificates of promotion:

vi. Standard Certificate of Promotion

This certificate of promotion shall be issued to those students who attain at least a sixth grade competency in reading, computational and written communicative skills, as determined by the local district; and have satisfied a district determination of competency on the Arizona and U.S. Constitutions.

vii. Special Education Certificate of Promotion

This certificate of promotion shall be issued to those students who have been evaluated in accordance with A.R.S. 15–1013 and determined to have a physical and/or mental deficiency which prevents their attainment of a sixth grade competency in reading, computational and written communicative skills, as determined by the local district, and were unable to pass the constitutions competency determination. Prior to the issuance of this special education certificate the district superintendent or his designee shall certify that the certificate is being issued for valid cause.

e. The district shall clearly identify the educational needs of the students intended to benefit from the contract. ARS 15–102

"The State Board of Education believes that every child in Arizona should have equal educational opportunity to receive the basic knowledge and skills in each subject area, and that no student shall be deprived of this opportunity because of socio-economic or other factors beyond his/her control. The Course of Study prescribed by the State Board of Education provides the basic minimum course content in each prescribed subject area to insure a minimum quality education in compliance with Article XI, Section 1 by the Arizona State Constitution."

f. The district has made a good faith effort in computing state and local contributions without regard to contract funds pursuant to this Plan. USFR/II–G–1&2

g. The district shall not budget or project a deficit by using contract funds pursuant to this Plan. — USFR/II–F–1–3

5. Funds shall be used for operational expenditures to provide educational services and opportunities in accordance with the minimum State Educational Standards with fiscal accountability under the adopted chart of accounts. — ARS 15–102

6. By approval of this Plan, the Arizona Board of Education herein certifies that the following public school districts have satisfactorily met all requirements of 25 CFR Part 273.13 (b): — ARS 15–1161 ARS 15–102

   a. Alchesay High School District No. 20
   b. Fort Thomas Elementary School District No. 7
   c. Fort Thomas High School District No. 7
   d. Keams Canyon Elementary School District No. 25
   e. Sacaton Elementary School District No. 18

7. Funds for operational support shall be utilized to maintain the requirements of Arizona Revised Statutes, Title 15 – Education, as approved by the Indian Education Committee pursuant to Article V, D of this Plan, provided, that whenever the election of the applicable boards of trustees results in a minority of Indian people, the Arizona State Board of Education pursuant to Article IV, F, and the Bureau of Indian Affairs pursuant to Article VII, F, of this Plan, shall jointly prescribe such provisions to assure compliance with 25 CFR 273.16 for such funds designated for this purpose, including but limited to the provisions and results of ARS 15–473 and ARS 15–1202 (qualified electors and public school district budgets). — ARS 15–1161 § 273.16(1)

C. SPECIAL SERVICES

1. Special services may be provided for special extraordinary needs or circumstances, and emergency services which may be provided to a public school district, Indian child, Arizona Indian tribe, Arizona Indian Education Association, or an Indian corporation, to enhance or enrich educational opportunities and upgrade the quality of education for Indian children. Priorities may be given to Indian children participating in special educational programs for trainable and educable youth, provided, that all other resources are fully utilized. ARS 15–1141 ARS 15–1161 § 273.31(c)

2. Funds for this purpose shall be maintained in the operational budget of the Division of Indian Education. Awards for Special Service Projects shall be approved by the signed parties on a line item basis, or by such other procedures as mutually determined by the contract officers' representatives.

3. Funds under this provision may be utilized by the Arizona Indian Education Association (State Johnson–O'Malley Indian Education Committee) for in-service training or to provide training sessions to other applicable Johnson–O'Malley Indian Education Committees or Arizona public school districts.

4. Applicants may submit requests for assistance, with written justifications, or statements of needs consistent with the provisions of this Plan for supplementary programs/projects and the provisions of item 2 of this part to the Division of Indian Education.

VII. ADMINISTRATION AND MANAGEMENT

A. The Bureau shall provide funds for administrative and management costs to carry out the contracted Johnson–O'Malley Program, and the provisions of the 1976–1977 Arizona Johnson–O'Malley State Educational Plan. — ARS 15–1161, § 273.18

B. The Arizona Department of Education, Division of Indian Education, shall be authorized by the State Board of Education to be responsible for the administration and management of all contracts executed under the authority of the Johnson–O'Malley Act and ARS 15–1161, and shall perform such other functions as required or delegated by the Superintendent of Public Instruction. Such responsibilities shall include final disposition of proposals submitted under this plan for funding and statutory compliances. — ADE 146–005/28

C. The Division of Indian Education shall be staffed by an adequate staff to carry out the provisions of this Plan and contractual agreements, and to provide technical assistance, monitoring and evaluation and conduct fiscal audits at a minimum of one every two years as delineated by the U.S. Office of Education, or as required by the Department of the Interior. — § 273.18

D. Additional functions or activities of the Division of Indian Education may be performed to coordinate other state, federal, or local programs applicable to the educational and special needs of Indian children and the Indian communities, and, upon request, to the general public. — ARS 15–102, ARS 15–121(6)

E. The Division of Indian Education shall be authorized by the State Board of Education to review and authorize distribution of funds for all proposals submitted under this Plan. — ARS 15–1142

F. The Division of Indian Education shall be responsible for maintaining all documents such as invoices, purchase orders, cancelled checks, balance sheets, and all other records relating to financial transactions to facilitate auditing, and maintain other documents relating to the administration of the contract. The records involved in any claim or expenditure which has been questioned shall be further maintained until final determination has been made on the questioned expenditures. — ARS 15–1142, § 273.47, § 273.48

VIII. GENERAL PROVISIONS

A.	All public school districts and Indian tribes receiving funds under this Plan shall comply with Title VI of the Civil Rights Act. "No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance."	§ 273.42
B.	All funds provided by this Plan, shall be expended only for the benefit of eligible Indian students, provided, that where students other than eligible Indian students participate in programs contracted under this part, money expended under such contract shall be prorated to cover the participation of only the eligible Indian students, except where the participation of non-eligible students is so incidental as to be de minimus. Such de minimus participation must be approved by the Indian Education Committee.	§ 273.32
C.	All programs or projects funded under this Plan shall be open for visitations and inspection by the contractor or a duly authorized representative of the Secretary of the Interior or members of the Indian Education Committee to monitor, evaluate, and audit program effectiveness and financial expenditures.	§ 273.16 § 273.18 § 273.48
D.	School districts receiving funds under the Johnson–O'Malley Act shall provide educational opportunities to all Indian children within that school district or school on the same terms and under the same conditions which apply to all other students, and shall insure that Indian children receive all aid from all sources which they would be entitled to receive. In no instance shall there be discrimination against Indians or schools enrolling such Indians, and as applicable, the rules and regulations pertaining to student rights and due process (25 CFR Part 35) be observed.	§ 273.38
E.	No contract funds under the Johnson–O'Malley Act shall be made available by the Bureau directly to other than tribal organizations, states, school districts, and Indian corporations. However, tribal organizations, states, school districts, and Indian corporations receiving funds under this part may use the funds to subcontract for necessary services with any appropriate individual, organization or corporation.	§ 273.36
F.	The Bureau of Indian Affairs may provide additional guidelines to the State Board of Education on the distribution of contract funds based upon the special	§ 273.31(c)

cultural, linguistic, social, educational needs of the communities involved, actual cost of providing educational services, or such other factors consistent with authorities granted thereto.

G. The Arizona Department of Education shall make an annual report to the approving official and the participating Indian Education Committees on or before September 15 for the previous school year, and include, but not be limited to, (a) an accounting of the amounts and purposes for which the contract funds were expended, (b) information on the conduct of the program, (c) a quantitative evaluation of the effectiveness of the stated goals and objectives contained in the applicant's educational plans, programs, and projects and such other documents required by the signed contract. § 273.50

H. All applicants participating under this Plan shall submit the following information on or before July 30 of each year for said annual report. (A state summary report form will be supplied by the Division of Indian Education). ARS 15–1141 § 273.50

1. Number of eligible Indian eighth grade and twelfth grade graduates each year.

2. Report to the Division of Indian Education total enrollment of Indian students by grade and age in the Johnson–O'Malley participating schools (kindergarten through grade 12).

3. Report number of dropouts and transfers by grade and age, including reason for leaving school.

4. Total school enrollment including Indian and non-Indian students.

5. All applicants shall further submit periodic progress reports on program activities and current fiscal expenditures on or before December 31, 1976, and April 30, 1977 in addition to the annual report noted above.

6. Copies of each Indian Education Committee's minutes shall be submitted as approved.

I. Records shall be maintained on financial transactions involving the receipt and expenditure of funds provided under the contract in a manner which will provide accurate, current and complete disclosure of financial status, correlation with budget or allowable cost schedules, and clear audit facilitating data. ARS 15–1161 § 273.47

J. During the term of any program created under this Plan and for three years after the program or undertaking is completed, the Comptroller General and the Secretary, or any of their duly authorized representatives, shall have access, for audit and examination purposes, to any of the contractor's books, documents, papers, and records which, in their opinion, may be related or pertinent to the contract or any subcontract. § 273.48

K. All contracts, non-confidential records concerning all students served by the program, reports, budgets, budget estimates, plans, and other documents pertaining to preceding and current year administration of the contract program shall be made available by the contractor and local school officials to each member of the Indian Education Committee and to members of the public upon request. The Department of Education, Division of Indian Education, or local school official shall provide, free of charge, single copies of such documents upon request. ARS 15–151 ARS 15–152 § 273.49 § 273.54

L. In those states where Public Law 83–280, 18 U.S.C. 1162 and 28 U.S.C. 1360 do not confer civil jurisdiction, state employees may be permitted to enter upon Indian lands, reservations, or allotments if the duly-constituted governing body of the tribe adopts a resolution of consent for the following purposes: 25 USC 231 ARS 15–321 § 273.52

   a. Inspecting school conditions in the public schools located on Indian tribal lands, reservations, or allotments.

   b. Enforcing state compulsory school attendance laws against Indian children, parents, or persons standing in loco parentis.

M. All programs established under this Plan must comply with the applicable requirements in the Federal Procurement Regulations (41 CFR Part 1), as supplemented by the Interior Procurement Regulations (41 CFR Part 14), the Bureau of Indian Affairs Procurement Regulations (41 CFR Part 14H), except 41 CFR Part 14H–70, Subpart D of 43 CFR Part 2 which implements the Privacy Act (5 U.S.C. 552a), and such other procedures determined by the contract officers' representatives (ADE/76/2CLT).

IX. ARIZONA INDIAN EDUCATION ASSOCIATION

A. The statewide Arizona Johnson–O'Malley Indian Education Committee hereinafter known as the Arizona Indian Education Association shall be composed of one member and one alternate as nominated or selected by procedures determined by each Arizona Indian tribe or tribal government composed of the following:

25 USC 450(a)
ARS 15–1141
ARS 15–1161
§ 273.1
§ 273.4
§ 237.15(3) (a)
§ 273.20

AK–Chin	Havasupai
Camp Verde	Hopi
Cocopah	Hualapai
Colorado River	Kaibab–Paiute
Fort Apache	Papago
Fort McDowell	Payson
Fort Mohave	Salt River
Fort Yuma	San Carlos
Gila River	Yavapai

B. Each local Indian Education Committee(s) established under this Plan except Intergovernmental Agreements may elect one representative and one alternate from its members to participate in the activities of the Association.

C. For purposes of this Plan, the Arizona Indian Education Association shall serve in the liaison capacity to the Arizona State Board of Education, Department of Education, and the Bureau of Indian Affairs and may serve and operate under the terms and conditions delineated in the constitution and bylaws pursuant to P.L. 93–638.

D. Additional functions and responsibilities of the Association may at its option be exercised, provided, that such are in accordance with the applicable state, federal, and local laws or regulations, and the provisions of this Plan for educational purposes.

E. The Arizona State Board of Education may in the performance of its duties designate the Association to undertake special activities for the benefit of Indian children, Indian communites, and public school districts.

F. The Arizona Indian Education Association in connection with the Arizona Department of Education may provide assistance through an Indian tribe, to provide per diem and mileage for tribal representatives or alternates. Representatives from each Indian Education Committee shall be reimbursed from its approved budget to attend and vote at Arizona Indian Education Association meetings as designated in the constitution and bylaws of the Arizona Indian Education Association.

G. The Arizona Indian Education Association may conduct annual state conference(s) on Indian Education in cooperation with the Phoenix Area Office and the Arizona Department of Education, Division of Indian Education.

X. DEFINITIONS

(a) *AREA DIRECTOR* means the official in charge of a Bureau of Indian Affairs Area Office.

(b) *BUREAU* means the Bureau of Indian Affairs.

(c) *COMMISSIONER* means the Commissioner of Indian Affairs.

(d) *ELIGIBLE INDIAN STUDENT* or Indian students, from age 3 years through grade(s) 12, shall be eligible for benefits provided by a contract pursuant to this Plan and are ¼ or more degree Indian blood and recognized by the Secretary as being eligible for Bureau services.

(e) *EDUCATION PLAN* means a comprehensive plan for the programmatic and fiscal services of and accountability by an applicant for the education of eligible Indian students under this Plan.

(f) *INDIAN TRIBE* means any Indian tribe, Band, Nation, Rancheria, Pueblo, Colony, or Community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) which is federally recognized as eligible by the United States Government through the Secretary for the special programs and services provided by the Secretary to Indians because of their status as Indians.

(g) *INDIAN CORPORATION* means a legally established organization of Indians chartered under State or Federal law and which is not included within the definition of "tribal organization" given in paragraph (w).

(h) *INDIAN EDUCATION COMMITTEE* means one of the entities specified by the Arizona Johnson–O'Malley State Education Plan.

(i) *INDIAN* means a person who is a member of an Indian tribe.

(j) *JOHNSON–O'MALLEY ACT* means the Act of April 16, 1934 (48 Stat. 596), as amended by the Act of June 4, 1936 (49 Stat. 1458, 25 U.S.C. 452–456), and further amended by the Act of January 4, 1975 (88 Stat. 2203).

(k) *OPERATIONAL SUPPORT* means those expenditures for school operational costs in order to meet established State educational standards or statewide requirements.

(l) *PUB. L. 93–638* means the Indian Self–Determination and Education Assistance Act (Pub. L. 93–638; 88 Stat. 2203).

(m) *PREVIOUSLY PRIVATE SCHOOL* means a school (other than a Federal school operated by the Bureau) that is operated primarily for Indian students from age 3 years through grades 12; and, which at the time of application is controlled, sanctioned, or chartered by the government body(s) of an Indian tribe(s).

(n) *RESIDENCE* means the residence of an Indian child is to be interpreted by districts in the same way that residence is generally interpreted for non-Indian children attending a public school under the same circumstances.

(o) *RESERVATION* or *INDIAN RESERVATION* means any Indian tribe's reservation, Pueblo, Colony, or Rancheria, including former reservations in Oklahoma, Alaska Natives regions established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), and Indian allotments.

(p) *SCHOOL DISTRICT* or *LOCAL EDUCATION AGENCY* means that subdivision of the State which contains the public elementary and secondary educational institutions providing educational services and is controlled by a duly elected board, commission, or similarly constituted assembly.

(q) *SECRETARY* means the Secretary of the Interior.

(r) *STATE* means a State of the United States of America or any political subdivision of a State.

(s) *SUPERINTENDENT* means the official in charge of a Bureau of Indian Affairs Agency Office.

(t) *SUPPLIES* means those non-equipment items of tangible personal property which are consumed in use or which may not reasonably be expected to last longer than one year.

(u) *SUPPLEMENTAL PROGRAMS* means those programs designed to meet the specialized and unique educational needs of eligible Indian students which may have resulted from socio-economic conditions of the parents, from cultural or language difference or other factors; and as provided by Section 273.34(b).

(v) *TRIBAL GOVERNMENT, TRIBAL GOVERNING BODY* and *TRIBAL COUNCIL* means the recognized governing body of an Indian tribe.

(w) *TRIBAL ORGANIZATION* means the recognized governing body of any Indian tribe or any legally established organization of Indians or tribes which is controlled, sanctioned, or chartered by such governing body or bodies, or which is democratically elected by the adult members of the Indian community to be served by such organization and which included the maximum participation of Indians in all phases of its activities; *Provided*, that a request for a contract must be made by the Indian tribe that will receive services under the contract; *Provided further*, that in any case where a contract is let to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting of such contract.

(x) *CAPITAL OUTLAY* is defined as an expenditure of funds which results in acquiring fixed assets or an addition to fixed assets which are presumed to have benefits for more than a one-year duration. Examples are expenditures for land or existing buildings, the improvement of grounds, and the construction of or additions to buildings. The purchase of capital equipment (slide projectors, tape recorders, calculators, reference materials, etc.) may be authorized if approved as necessary for the conduct of special need programs. If such capital equipment items are purchased from these contract funds, they must be tagged as "Property of Indian Education (JOM)."

(y) *DEBT SERVICE* expenditures are those for the retirement of debts or the expenditure for interest on debts, except principal and interest on current loans (those payable within the same year that funds were borrowed).

(z) *INTERGOVERNMENTAL AGREEMENT* means the agreement entered into between an Arizona Indian tribe and the State Board of Education for the purpose of implementing educational programs and services pursuant to this Plan.

XI. APPENDICES

CONSTITUTION AND BYLAWS
OF THE
ARIZONA INDIAN EDUCATION ASSOCIATION
STATE OF ARIZONA

ARTICLE I. NAME

The Arizona Indian Education Association is hereby established as an advisory organization to the State Department of Education, whose principal address will be Division of Indian Education, Arizona Department of Education, 1535 West Jefferson Street, Phoenix, Arizona 85007.

ARTICLE II. PURPOSE

The purpose of the Arizona Indian Education Association is to promote the development of quality education for all Indian children; education which fosters individual achievement and academic excellence, and insures equality of treatment and services for all Indian children.

ARTICLE III. GOALS AND OBJECTIVES

The goals and objectives of the Arizona Indian Education Association will be the following:

1. To assure greater uniformity and cooperation among all school districts of the State of Arizona, the Arizona State Board of Education, Bureau of Indian Affairs, and each Indian tribe within the State of Arizona Indian Education Committee.

2. To provide advice, consultation, and educational guidance to all concerned on the educational needs of Indian children.

The above goals and objectives will be applicable to all educational programs which affect the educational prosperity of all Indian children, including (a) Johnson–O'Malley Program; (b) Indian Education Act Program; (c) Bilingual/Bicultural Program; and (d) any other educational program for Indian children.

ARTICLE IV. AUTHORITY

The legal framework for establishment of the Arizona Indian Education Association is vested in the:

1. Arizona Revised Statutes (A.R.S.), Title 15, Education 15-102.4

2. Policies – State Board of Education.

3. Arizona Johnson–O'Malley Educational Plan.

4. BIA Manual 20-6. 1-6.12 (Educational Service Through Indian Organization).

5. 41 CFR Sec. 1-15.711-3.

6. Indian Self-Determination and Education Assistance Act P.L. 93-638), Part 271 or Title 25, Chapter 1, Sub-Chapter Y Part 271 Section 273.15, 273.16, 273.17.

ARTICLE V. MEMBERSHIP

Section 1. MEMBERSHIP AND TERM OF OFFICE. The Arizona Indian Education Association shall consist of such individuals who are members of and representing each of the tribes in the State of Arizona and parental representatives from local Indian Education Committees participating under the 1976-1977 Arizona Johnson–O'Malley State Educational Plan. Each member and alternate will be elected or appointed by their respective tribal governing body and, where applicable, each local Indian Education Committee to serve on the Association for a term of two years. The terms of office shall be staggered so that a proportionate number of members are elected on alternate years. Membership may be extended to Indian high school students being served under the State Plan.

Section 2. VACANCIES. Any vacancy occurring other than by expiration of terms shall be filled by the alternate for the unexpired term. Each participating Indian Education Committee will submit to the Division of Indian Education a constitution and bylaws and roster of that committee to serve on the Association.

Section 3. STANDARD FOR SELECTION OF MEMBERS OF THE ASSOCIATION.

a. The members of the Association shall be elected or appointed on the basis of: (1) Their commitment to the interest and welfare of Indian people; (2) their professional or personal experience in improving the quality of Indian education; (3) their dedication to implementing effective, bold, and innovative education programs; (4) must be a parent of eligible Indian child.

b. Any member or alternate shall assume all conducts and procedures in an ethical manner and shall be further required to attend all Association meetings unless officially excused for reasons of health or official duties affiliated with representing tribe.

c. No member or alternate shall be compensated except in performance of official duties authorized by the president or a majority of the members, provided that said compensation shall be limited to travel and per diem or reimbursements for authorized expenses.

Section 4. ELIGIBILITY. Members selected to serve on the Arizona Indian Education Association shall be a member of the Indian Education Committee he or she represents, but not be an elected official of any office of the State of Arizona. Future members may be added to the Association as necessary and beneficial to the needs of the Indian children, provided that each new member is approved by the Association and the State Board of Education. Such approval shall require a two-thirds (2/3) majority vote.

Section 5. ELECTION OF OFFICERS. Members of the Association at its organizational meeting in September, by general election ballot, shall elect from its membership, an Executive Committee, a president, vice-president, and secretary/treasurer. These officers will serve for a two-year term. Vacancy in any office shall be filled by the Association for the remainder of the term. An Executive Committee may be established to perform such duties designated by the Association and shall consist of 7 members representing (3) tribal, (3) metropolitan, and (1) Indian high school student.

Section 6. DUTIES OF THE OFFICERS

a. The president shall preside at all meetings of the Association. The president may appoint or establish a committee from among members of the Arizona Indian Education Association or as approved by the Executive Committee from members of the Indian communities to perform or accomplish tasks on behalf of the Association.

b. The vice-president shall perform the duties of the president in the event of his/her absence. He/she shall perform such other functions as may be designated by the president or the Association.

c. The secretary shall call the roll, handle all official correspondence, keep minutes of all regular and special meetings, and it shall be his/her duty to submit promptly to the Association copies of all minutes. The secretary shall also send out notifications of the meetings.

d. The treasurer shall be responsible for fiscal reporting.

ARTICLE VI. MEETINGS

Section 1. The Association shall meet on a semi-annual basis beginning in September of the calendar year or at such times as the president or a majority of the members call for a special meeting. The Executive Committee meetings shall be held on the third Friday of September.

Section 2. Four (4) members of the Executive Committee shall constitute a quorum. A quorum shall be necessary to conduct formal business. Each member shall have one vote on each motion. In case of a tie vote, the president shall cast his/her vote to break the tie majority.

Section 3. All Association meetings shall be open to the public with the exception of duly called Executive Sessions. The president or a majority of the members may call an Executive Session which shall be limited to members of the Association wherein matters relating to personnel issues or such other matters of a personal nature are discussed, provided that any such Executive Sessions be in compliance with the state laws.

Section 4. When a member has unexcused absence for two consecutive Executive Committee meetings other than with official excuse, the other members may declare the position vacant and shall notify the ex-member by registered mail.

ARTICLE VII. OTHER DUTIES

The other duties of the Arizona Indian Education Association shall include, but not be limited to the following:

a. To provide recommendations to the Superintendent of Public Instruction.

b. To provide recommendations to the State Board of Education.

c. To provide recommendations to Tribal Councils.

d. To travel on behalf of the Association on official business to schools, conferences, and workshops (out-of-state travel is subject to availability of funds and approval of the Director, Division of Indian Education).